

**State of Nevada
State Emergency Response Commission**



**LOCAL EMERGENCY
PLANNING COMMITTEE
HANDBOOK**

**Prepared by SERC Staff
Revised November 2003**

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Introduction

The purpose of this handbook is to provide general guidelines of federal and state laws and regulations. The handbook is not an all inclusive manual, but will emphasize significant administrative functions being enforced.

The handbook will define responsibilities and requirements to assist grantees or subgrantees and fiscal personnel in the management of grants received from the State Emergency Response Commission (SERC).

A grantee or subgrantee receiving grant

funding from the SERC must comply with the provisions of this handbook and all applicable local, state and federal regulations.

This handbook is intended to be continually updated to keep LEPCs informed as SERC adopts changes. Please read and include updates in this binder as they are forwarded to you.

Overview

The Emergency Planning and Community Right-to-Know Act (EPCRA) is a stand-alone law passed in 1986 as a part of the Superfund Amendment and Reauthorization Act (SARA) and is found as SARA Title III. Congress intended it to improve state and local planning and response capabilities to react to hazardous materials emergencies and to provide access to information about hazardous materials to the public.

EPCRA specifies what kinds of releases and quantities require notification, to whom reports and notification are required, and establishes threshold planning quantities. The provisions of EPCRA require industry to comply with reports of storage, manufacture and releases to specific agencies. Along with these reporting requirements, fees required by state law are collected and granted to state and local agencies to provide assistance in planning, training and equipment activities to prevent, respond to and mitigate hazardous materials incidents.

A brief overview of substantive provisions of EPCRA and Nevada's implementation:

Emergency Planning (Sections 301 to 303):

Section 301 establishes State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs). In Nevada, the Governor appoints (SERC) members. Pursuant to federal law, the SERC shall supervise and coordinate the activities of the LEPCs. The SERC has designated each county as a planning district. Each planning district has appointed its LEPC. The SERC will review and approve LEPC membership annually to ensure compliance with federal laws.



Section 302 establishes the list for extremely hazardous substances (EHS), the threshold planning quantity (TPQ), applicable facilities, and emergency planning notification requirements. Reporting is made by submission of the Nevada Combined Agency Hazmat Facility Report to the SERC through the State Fire Marshal, the appropriate LEPC, and the local fire department.

Section 303 requires LEPCs develop a hazardous materials emergency response plan compliant with National Response Team (NRT-1) planning elements. The LEPCs and the SERC must review these plans at least once a year and the plan must be exercised annually by the LEPCs. The federal publication NRT-1 contains specific recommendations on how each of the required planning elements should be addressed. The planning elements are:

1. Identification of covered facilities, routes used to transport hazardous substances, and additional facilities which may contribute to an emergency or are at additional risk, such as hospitals and natural gas facilities;
2. Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel in hazardous materials response;
3. Designation of community and facility emergency coordinators;
4. Emergency notification procedures to coordinators, responders and the public;
5. Methods for determining the occurrence of a release and the area or population likely to be affected;
6. Description of emergency resources, including equipment and facilities, and identification of the persons responsible for the equipment and facilities;
7. Evacuation plans;
8. Training programs and schedules; and
9. Methods and schedules for exercising the emergency plan.

Emergency Release Notification (Section 304):

Section 304 establishes notification requirements and defines emergency notification procedures upon a hazardous substance release including required contents of such notification. Releases must be reported to the Nevada Division of Environmental Protection, 1-888-331-6337; the local fire department; the LEPC; U.S. Environmental Protection Agency National Response Center, 1-800-300-2193 (if the release is above the reporting requirement); and written follow-up to the SERC of status and corrective action.

Community Right-to-Know Reporting (Sections 311 and 312):

Section 311 requires submission of material safety data sheets (MSDS) or a chemical list for each covered chemical to the appropriate LEPC, the SERC and the local fire department. The State Fire Marshal's Office collects the chemical list for the SERC with the Nevada Combined Agency Hazmat Facility Report.

Section 312 requires a facility prepare and submit a chemical inventory by March 1st of each year to the SERC, LEPC and the local fire department. The inventory form must include information on all hazardous chemicals present at the facility during the previous calendar year in amounts that meet or exceed thresholds. This information is available to the public. Nevada has a state specific form based on the Tier II Report which is required to be submitted to the State Fire Marshal who collects fees pursuant to NAC 459.9916 and enters hazardous materials information in the Nevada Chemical Facility Database.

Toxic Chemical Release Inventory Reporting (Section 313):

Section 313 requires facilities to report releases and other waste management of specifically listed chemicals and transfers of toxic chemicals for waste management to off-site locations. Facilities meeting all three of the following criteria are subject to Section 313 reporting:

1. the facility has 10 or more full-time employees;
2. the facility has a primary Standard Industrial Classification (SIC) code in any of the groups listed by U.S. Environmental Protection Agency (EPA) (found on EPA website at www.epa.gov); and
3. the facility manufactured, processed, or otherwise used, in the course of a calendar year, any toxic chemical in quantities greater than the set threshold

Reports under Section 313 (EPA Form R or Form A) must be submitted annually to EPA and to SERC (with appropriate fees pursuant to NRS 459.744) by July 1 each year. The report covers activities at the facility during the previous calendar year. Reports submitted to SERC are then forwarded to the Nevada Division of Environmental Protection.

SERC Structure and Responsibilities

The SERC consists of not more than 25 members appointed by the Governor. To the extent practical, appointments will be made of persons who have technical expertise in responding to emergencies. The SERC has developed standing committees to accomplish its tasks:

- Funding Committee
 - Planning and Training Subcommittee
- Legislative Committee
- Information Technology Committee
- Policy Committee
- Strategic Planning Committee
- Bylaws Committee
- Outreach Committee

The SERC is charged with establishing, supervising and coordinating the LEPCs; reviewing local hazardous materials emergency response plans; and making recommendations for revisions. The SERC is the center of EPCRA's system for handling information requests about chemicals by establishing procedures for responding to such requests and maintaining the Nevada Chemical Facility Database.

The SERC also distributes and manages grants provided from fees collected through the filing of the Nevada Combined Agency Hazmat Facility Report and from federal grants received.

The SERC designated each county as a planning district and established one LEPC in each planning district. The purpose of this structure is to:

- simplify and accomplish comprehensive emergency response planning for hazardous materials incidents, accidents, or releases
- involve state and local governments, and private industries in developing and exercising hazardous materials emergency response plans
- improve public safety capabilities to prevent, respond to, and mitigate hazardous materials impact on activities and environment
- provide residents access to information concerning hazardous materials under the Community Right-to-Know portion of the law
- manage reports of hazardous materials manufacture, use, and transportation within the state

The SERC staff is dedicated to supporting the goals and objectives of the State Emergency Response Commission, which includes supporting Local Emergency Planning committees. Agencies represented on the SERC have numerous resources and skills which may benefit LEPCs in many ways. Technical assistance is available upon request.

LEPC Structure and Responsibilities

The SERC has designated each county as a planning district. Each planning district has appointed its LEPC. The SERC will review and approve LEPC membership annually to ensure compliance with federal laws. Each LEPC shall include (as required by EPCRA) representatives from each of the following groups or organizations:

- i elected state and local officials;
- i law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel;
- i broadcast and print media;
- i community groups; and
- i owners and operators of facilities subject to the requirements of EPCRA



The EPA and the SERC encourage the appointment of broad-based LEPCs which include representatives from the 13 individual categories. In some cases, one person could represent more than one category. The appointment may be made by job title/position rather than individual names to ensure continuity of membership of the LEPC and to make the appointment of replacement members easier.

The major legal responsibility of LEPCs is to ensure compliance with EPCRA Public Law 99-499 including:

1. review local hazardous materials emergency response plans at least once a year;
2. collect and make available each MSDS, chemical list described in Section 311 (a)(2) or Tier II report, inventory form, and follow-up emergency notice to the general public; and
3. accept follow-up emergency information as soon as practical after a release which requires the owner/operator to submit a notice

Additional responsibilities defined in EPCRA include evaluating and making recommendations as to the need for resources necessary to develop, implement, and exercise the hazardous materials emergency response plan; and annually publishing a notice in the local newspapers that the hazardous materials emergency response plan, MSDS, follow-up release notifications, and inventory forms have been submitted and are available for public review. The notice must include where and when the information is available for public review.

The SERC provides funding to LEPCs through grants of money collected from facility fees and awarded from federal agencies. In addition to EPCRA responsibilities, Nevada SERC requires LEPC compliance in order to be eligible for receipt of grant funds as follows:

1. maintain an active membership and provide a membership list, including the discipline represented by each member, to the SERC annually;
2. conduct regularly scheduled meetings and submit LEPC meeting agendas and minutes to the SERC;
3. provide financial reports and documentation of expenditures to the SERC in a timely manner;
4. develop, maintain, and exercise (at least once a year) a current hazardous materials emergency response plan; and
5. provide an annual performance report to the SERC

Planning

The largest planning task of the LEPC is the identification of potential facility or transportation hazards and vulnerable locations. To complete a community hazard assessment, the committee must integrate information from individual facilities into the community plan. Under EPCRA, each facility is required to provide information to the LEPC necessary for developing and implementing the hazardous materials emergency response plan. A complete analysis of hazards in the community is an overview of risks posed not only by facilities, but by trucks or railcars transporting hazardous materials passing through the planning district. In addition, it identifies local facilities which might contribute to a hazard such as a natural gas facility, and lists local institutions such as hospitals, nursing homes or schools, which might be at additional risk during an emergency.

The plan must cover facilities with one or more extremely hazardous substance present in amounts exceeding the threshold planning quantities (TPQ). EPCRA lists those materials requiring specific planning.

The objective of the emergency response structure described above is to improve the planning levels in local jurisdictions, communities and regions; and to maintain an awareness of available resources, deployment methods and policies. The development of a working group which includes state and local governments, health officials, industry, and residents of the community is the foundation for comprehensive planning. Each phase of emergency response, from discovery and notification to recovery and site remediation, involves each group in critical ways which must be addressed in comprehensive and effective plans.

The LEPC must review and, if applicable, update the hazardous materials emergency response plan annually. The SERC must review and make recommendations concerning the plan and/or updates. The hazardous materials emergency response plan may be an annex to the all-hazards plan, or a stand-alone operations directive. The LEPC must have an approved plan on file with the SERC to be eligible for grant funding. The SERC may, upon grant application, provide resources to review, update, implement, and exercise the plan.

The SERC has tasked the Planning and Training Subcommittee (under the Funding Committee) to review the LEPC plans. This subcommittee uses the nine NRT-1 elements on page two of this document to make recommendations to the LEPCs and to ensure a proper plan. Pursuant to EPCRA requirements to review and update the plan at least once a year, SERC has adopted policy requiring submission of updates or notice of review by **January 31 each year.**

Exercises

Section 303(b) of EPCRA requires the LEPC to exercise the hazardous materials emergency response plan at least once annually. Exercises are the most effective way to continue the planning process. Exercises may range in scope from “table-top” discussion of an incident scenario among emergency responders and/or emergency operations center personnel to full-scale field exercises in which emergency responders react to incident simulations in “real-time.” In order to fulfill the compliance requirements of EPCRA, schedules of planned exercises must be developed and included as part of the emergency response planning activity.

In each case, the objective of drills or exercises is to test and evaluate the appropriateness, adequacy, and effectiveness of the local hazardous materials emergency response plan. The participants in any exercise should be carefully briefed on the objectives of the exercise, the expected outcomes, ground rules, exceptions and exemptions, and the scenario and timing of events. Some ground rules to be observed are:

- p** The exercise will terminate if a real emergency occurs during the exercise.
- p** Safety of the public, the responders and the simulated “casualties” must take precedence over all other exercise considerations and actions. Any participant has the authority and the responsibility to stop the exercise if an unsafe act or condition is observed.
- p** Suggestions for improving the emergency response or the planning for actual response are welcome during the critique following the exercise.

The LEPC should provide sufficient evaluators who are qualified by training and/or experience to conduct an evaluation of the objectives they will be assigned to review. After the exercise, critiques and debriefings should be held to discuss successes and failures, and to make recommendations and plans for necessary modifications and adjustments.

Within 60 days after an exercise is conducted, an evaluation report must be submitted to the SERC. The evaluation report will include specific exercise information, corrective action plans, and any additional comments. An example of Federal Emergency Management Agency's report form is attached. (*Appendix A*).

Grant Application and Awards

The SERC awards grants with funds received from the federal government and from fees collected from facilities within the State of Nevada. The SERC will send grant applications to each LEPC and state agencies, based on the purpose of the grant, 6 weeks prior to the due date. The application will specify whether the grant award will be from SERC (state) funds or federal funds. The request for funding must be submitted in the format provided in the application. Objectives and expected accomplishments must be stated in quantifiable and measurable terms. Grant requests must support state or local hazardous materials emergency response plans and must relate to the risk analysis contained in the plans.

Each grant request is limited to \$25,000. Eligible LEPCs will receive an automatic \$4,000 in the operation category of the SERC grant. Grants may be made to any eligible LEPC or state agency to further the response capabilities of first responders to hazardous materials incidents. Funding may be requested to train, equip, and/or improve local planning for such contingencies.

The SERC has adopted policies and procedures to regulate the grant application and award process. Copy of the policies are attached. Significant topics of the policies are highlighted as follows:

SERC Policy 8.1 (*Appendix B*):



LEPCs, the primary grantees, are required to submit a hazardous materials emergency response plan for approval by the SERC. Notification of deficiencies, if any, will be made to the LEPC chair. Within 45 days of such a notice, the LEPC must bring the plan into compliance. Failure to have an approved plan will result in the LEPC being ineligible for funding from the SERC until the next plan review cycle.

SERC Policy 8.2 (*Appendix C*):

The LEPC must meet to discuss, determine and approve the appropriate funding request. As appropriate, the LEPCs must submit applications for grants to SERC, submit training requests to the State Fire Marshal's Office (SFM), and limit consultant/contractor costs to \$450 per day. If the SFM declines the training, the request may be included in the SERC grant application. The SFM declination must be submitted to the SERC.

Any application requesting consultant/contractor services must include a quote and a detailed scope of work from the consultant/contractor.

Requests for equipment must be made in accordance with the cost on the equipment list (*Appendix D*). A firm quote for equipment not on this list must be included with the application.

The Planning and Training Subcommittee will meet and review the applications to determine appropriateness and eligibility of the request when compared to the level of response designated in the hazardous materials emergency response plan. The Subcommittee will make recommendations to the Funding Committee.

The Funding Committee will meet and review the applications to determine the appropriateness and eligibility based on the Planning and Training Subcommittee's recommendations. The Committee will also make recommendations to the SERC on the amount of funds to award.

Funding of the applications will be placed on a SERC agenda for approval. Grants will be awarded based on the applications submitted and the availability of money.

SERC Policy 8.3 (*Appendix E*):

LEPCs must comply with administrative requirements. Certified Assurances (*Appendix F*) and a Grant Eligibility Certification (*Appendix G*) included with the application must be appropriately signed and submitted to the SERC prior to funding of grants. Failure to comply will result in the LEPC being ineligible for grant funding from the SERC.

SERC Policy 8.4 (*Appendix H*):

Grant award numbering consists of the following:

1. The first two digits indicate the fiscal year of the grant period.
2. The second segment of numbers or letters denote the type of grant; i.e. SERC (fee money), HMEP (federal money), etc.
3. The third part is the county designation based on an alphabetical order of the 17 counties.
4. The last section denotes the number of grants awarded to the grantee from the designated source of grant funds.

SERC Policy 8.5 (Appendix I):

Awards of grants will be provided on a reimbursement basis with the ability to request an advance for expenses over \$2,000.

Grant Management

It is the responsibility of the SERC to ensure grant funds are used and reported consistent with appropriate accounting procedures. Grant management must occur at each level of state and LEPC fiscal personnel to show proper accountability. Reports of expenditures must meet appropriate fiduciary requirements. Local accounting and auditing procedures must be followed where specifically required.



Accounting systems must be developed to ensure accurate accounting, expending, and reporting of grant funds. Fiscal responsibilities and accounting requirements include:

1. All recipients of federal funding are required to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. These records will include both federal funds and matching funds, if applicable, from state, local and private organizations.
2. Each grant received must be accounted for separately.
3. Funds awarded will be expended only for activities and purposes stated in the approved budget of the grant award.
4. Grant funds may not be obligated until the first day of the grant period.
5. Grant funds must be obligated before the end date of the grant period.
 - a. Obligated funds are those for which goods or services have been ordered or received, but which have not been paid.
 - b. Expenditure must occur by the final report date as specified by the type of grant.
6. Supplanting budgets is prohibited. Federal funds are used to **supplement** existing funds for program activities and **not to replace** those funds that have been appropriated for the same purpose.



Reporting of expenditures will be made in accordance with state and local laws and regulations and the policies of the SERC. Separate Financial Reports (*Appendix J*) for each grant award are due within 30 days of expenditure. When there are no expenditures in a fiscal year quarter, a Financial Report is due 30 days after the end of the quarter stating no expenditure were made and explaining why.

Proper reporting consists of the Financial Report form, an itemized spreadsheet or list (showing grant number, category of expenditure, date of expense, description of expense, and amount of expenditure) (*Appendix K*), invoices or bills, and proof of payment.

If change of grant personnel, project scope or funding category becomes necessary, a Request for Project Change may be submitted to the SERC. Pursuant to policy, the request will be considered and approved or denied. A change is not to be implemented until approval from the SERC is received either in writing or on the record at a SERC meeting.

Planning, training, equipment and operation claims must be made in accordance with the grant award. Consultant/contractor reimbursements must be consistent with the scope of work and cost awarded in the grant. Equipment purchases will be reimbursed in conformance with the quote and the grant award.

Travel/training costs are allowable as expenses by personnel who are in travel status on official business, if included in the project budget. Personnel must be at least 15 miles from their duty station to receive per diem (meal) reimbursement. Expenses will be reimbursed based on proper documentation submitted. Documentation necessary to claim travel/training expenses are as follows:

1. Copy of the agenda or reason for travel (HazMat Explo travel is excluded from this requirement.)
2. Copy of the registration form for training or conference
3. Travel claim signed by the traveler showing date and times of travel, reason for trip, per diem, lodging, mileage, and transportation expenses. An example of a travel claim is attached. (*Appendix L*)
 - a. Receipts must be attached for out-of-state lodging, airline, ground transportation and airport parking.
 - b. Expenses will be reimbursed at the state rate (as stated in the applicable grant application) or the local rate, whichever is less.

Meals provided in conference/training registration fees or in airfare will not be reimbursed.

Car rentals must be pre-approved by SERC staff.



At the expiration date of the grant period, all remaining costs incurred up to the last day must be submitted for reimbursement on a “final” Financial Report which is due 45 days after the end of the grant.

Policies and procedures have been developed to assist in the proper administration of grants. Significant topics of the policies are highlighted as follows:

SERC Policy 8.2 (*Appendix C*):

Allowable and unallowable expenses from the operations category are listed in the policy.

SERC Policy 8.5 (*Appendix I*):



Requests for reimbursement must be submitted by the LEPC within 30 days of the expenditure on the Financial Report form. The submission must include invoices and proof of payment.

As applicable, a financial report indicating no expenditures were made in a quarter is due 30 days after the end of the quarter.

SERC staff will conduct a desk audit of the report and information submitted within five working days of receipt. Discrepancies or questions will be addressed immediately with the submitting agency. Upon approval of the request, SERC staff will process the report for payment.

A Financial Report form may be submitted requesting an advance of funds for purchases totaling more than \$2,000. A copy of the purchase order showing the processing date and cost of purchase must be included with the submission. SERC staff will process the request, if appropriate, within five working days of receipt.

After expenditure of the advanced funds, a Financial Report including invoices and proof of payment must be submitted. Report of the expenditure must be submitted within 30 days of the date of the check.

If the purchase is not timely completed or the advanced amount was more than the actual purchase price, the unspent funds must be returned to the SERC within 45 days of the date of the check.

Failure to timely submit proper documentation of expenditures may jeopardize future funding.

SERC Policy 8.6 (*Appendix M*):



Financial Reports, as stated above, and Annual Progress Reports, due July 31 of each year, must be submitted timely. Failure will jeopardize future funding from the SERC. The Annual Progress Report is a narrative relating to the progress of the grantee toward obtaining the goals and objectives outlined in the grant applications. It will also include attendance rosters for workshops and training events, and a report on exercises and real events occurring during the year. An outline of the information to be included in an Annual Progress Report is included. (*Appendix N*)

SERC Policy 8.7 (*Appendix O*):

Grantees must have an approved Project Change Request prior to implementing a change to the original grant. Failure may result in being ineligible for the funding. Request for change in project personnel must be made on the Project Change Request form (Appendix P). Request for change in funding categories must be made on the Project Change Request form and be supported by a written justification as to why the change is needed. Request for change in the use of funds within the same category or change in goals and/or objectives must be made in a written justification as to why the change is needed.

The Executive Director of the SERC may approve changes in personnel and changes considered to be less than 10% of the original grant. The chair of the Funding Committee may approve changes in funding greater than 10% and/or significant changes in scope of the grant. At the chair's direction, the Funding Committee may be required to review and approve the request for change. All requests for project changes will be agendaized at the following Funding Committee meeting for ratification. Appeal of the decision may be made to the SERC.

SERC Policy 8.8 (*Appendix Q*):

Procedures for delinquent financial and/or annual performance reports will be handled by notifying the LEPC Chair in writing, followed by notification to the County Manager, and finally action by the SERC in which grants will be in jeopardy.

Program and financial audits will be performed on site by SERC staff. This may be accomplished by visiting LEPC offices and county financial offices. SERC staff will verify the LEPC is working within the scope of the grant project and funds are properly accounted for.

SERC Policy 8.9 (*Appendix R*):

Each LEPC is required to submit its bylaws and membership lists to the SERC annually for review of compliance with federal and state laws and regulations. An example of LEPC bylaws is attached. (*Appendix S*)

For convenience in tracking due dates, a standard time line is attached (*Appendix T*). This time line gives an view of what to expect throughout the year and dates to be aware of. The dates provided are subject to change. If changes occur, they will be noted in letters, notifications and grant applications.

Recipients of grant funds are encouraged to make the results and accomplishments of their activities available to the public. Announcements of LEPC activities and major purchases may be made on radio, television, newspapers, etc. Prior approval is not needed for publishing the results of an activity under a project, however the grantee is required to add the **appropriate** statement to the announcement:

“This program was supported by Grant # _____, awarded by the Nevada State Emergency Response Commission (and the U.S. Department of Transportation). Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position of policies of the State Emergency Response Commission (and/or U.S. Department of Transportation).”

As stated throughout these policies, the SERC may suspend or withhold disbursement of grants funds if the grantee or sub-grantee fails to meet eligibility or reporting requirements, or stated grant goals and objectives.

Contact Information

The SERC and its staff are available to answer questions and provide technical assistance and can be reached as follows:

State Emergency Response Commission
2525 S. Carson Street (street address)
555 Wright Way (mailing address)
Carson City, Nevada 89711

Phone: 775-687-6973
Fax: 775-687-8798

Karen J. Kennard, Executive Director
e-mail: kkennard@dps.state.nv.us

Bruce Ferrel, Grants & Projects Analyst
e-mail: bferrel@dps.state.nv.us

Cheryl Folkers, Administrative Assistant
e-mail: cfolkers@dps.state.nv.us

Portions of this handbook have been extracted from the U.S. Environmental Protection Agency, Region 6, Local Emergency Planning Committee (LEPC) Handbook, April 2002; and the Community Right-To-Know Manual.
